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In Pro Per

FILED
AUG - 7 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KM DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Edward Anthony Throop,
Petitioner,

v

Larry Small,
Respondent.

Case No. 3:08-cv-01118-L-JMA

PETITIONER'S EXPARTE REQUEST FOR ENLARGEMENT OF TIME AND NOTICE OF CHANGE OF ADDRESS

Please take notice that petitioner in the above-entitled action, Edward Anthony Throop, hereby requests an enlargement of time to comply with this court's 7-9-08 order due to a pending transfer to a different state prison.

As stated in the pleadings, petitioner has been validated as a prison gang affiliate and is serving an indeterminate confinement in segregation, therefore he expects to transfer to a Security Housing Unit (SHU) on 8-5-08. However, because of his maximum custody level, prison officials will not confirm exactly which SHU he has been scheduled to move to, i.e. Pelican Bay, Corcoran, or CCI-Tehachapi, and for this reason petitioner cannot yet positively advise the court about his correct change of mailing address until he gets there.

Furthermore, petitioner's property has already been boxed up, and from personal experience he asserts that either of the SHU facilitys will take 45-60 days to research and reissue petitioners property to him following the initial classification committee review - assuming that no misdeliverys or other complications occur. During this time he will be without access to legal materials and unable to cite this case-docket number, and he anticipates that all of his papers will be disorganized and in need of reassembling when issued, e.g. staples or binders removed causing different pleadings to be nixed up.

Therefore, petitioner respectfully requests a fair enlargement of 45 days from the present 9-8-08 deadline, subject to a second request depending on the date that legal materials are delivered.

Respectfully Submitted,

Dated: 7-30-08

E. Anthony Throop

Petitioner In pro Se

CR

VERIFICATION

STATE OF CALIFORNIA
COUNTY OF IMPERIAL

(C.C.P. SEC.446 & 201.5; 28 U.S.C. SEC. 1746)

I, E. Anthony Throop DECLARE UNDER PENALTY OF PERJURY THAT: I AM THE Petitioner IN THE ABOVE ENTITLED ACTION; I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 2 DAY OF: August 20 08 AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002

(SIGNATURE) E. Anthony Throop
(DECLARANT/PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC.1013 (a) & 2015.5; 28 U.S.C. SEC.1746)

I, E Anthony Throop AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM / NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002. CALIPATRIA, CALIFORNIA #92233-5002.

ON August 4 20 08 I SERVED THE FOREGOING: Petitioner's Exparte Request for Enlargement of time + Notice of change of Address

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002.

US District Court, So. Dist. 880 Front St San Diego

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: 8-4-8

Anthony Throop
(DECLARANT/PRISONER)